

REMARKS

Claims 1-20 remain in this application. Claims 1, 9 and 16 have been amended.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-8 and 16-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, regarding Claims 1 and 16, the Examiner found the phrase “using the mobile identity to retrieve a selection of the plurality of Internet Audio contents” unclear.

To clarify Applicant’s invention, Applicant has amended Claims 1, 9 and 16 to now recite that the Internet Audio Gateway has “access to a plurality of Internet Audio contents stored on an Internet Radio (IR) Application Server,” and that the WAP Gateway is “coupled to the IR Application Server to provide the plurality of Internet Audio contents to the MS to select from.” Moreover, Claims 1, 9 and 16 have been amended to now recite “providing the selection of the plurality of Internet Audio contents made by the MS to the IR Application Server” and “using the mobile identity to retrieve the selection of the plurality of Internet Audio contents from the IR Application Server”. Support for these amendments can be found at least on page 4, line 30 – page 6, line 3 of the present application.

As such, it should now be clear how the mobile identity is used to retrieve the selection of the plurality of Internet Audio contents made by the mobile station. Therefore, Applicant respectfully requests the Examiner to withdraw the § 112 rejections to Claims 1-8 and 16-20.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hsu et al. (US Patent Application Publication No. 2003/0134622) in view of Dusse (US Patent Application Publication No. 2002/0068554). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

Independent Claims 1, 9 and 16 have been amended to clarify various matters, as discussed above, and to clarify that the connection from the PDSN to the Internet Audio Gateway is established “upon establishing the PPP session” between the MS and the PDSN. Applicants

respectfully submit that the above-quoted feature is not taught by the combination of Hsu et al. and Dusse.

On page 4 of the Office Action, the Examiner likened the “Base Station” in Hsu et al. to the claimed “Internet Audio Gateway” and stated that “the BS is the Internet Audio Gateway which establishes the connection from the PDSN to MS, ... wherein the BS sets the field HSBS_REG_USED ... to register the MS with the BS/Internet Audio Gateway.” However, Claims 1, 9 and 16 do NOT claim that the Internet Audio Gateway establishes a connection from the PDSN to the MS, but in fact, claim the opposite, that the PDSN establishes a connection with the Internet Audio Gateway “upon establishing the PPP session” between the MS and the PDSN. Therefore, the BS in Hsu et al. does not read on or teach an “Internet Audio Gateway” as claimed in the present application. In addition, Applicant can find no teaching or suggestion of any node that operates as an Internet Audio Gateway that the MS registers with and that has “access to a plurality of Internet Audio contents stored on an Internet Radio (IR) Application Server” within Hsu et al.

Moreover, on page 4 of the Office Action, the Examiner likened the “MS” in Hsu et al. to the claimed “WAP gateway” and stated that the “MS acts as the WAP gateway together with the WAP disclosed.” Applicant is unsure how the MS can “act as the WAP gateway” when the claims specifically recite “establishing a Wireless Application Protocol (WAP) Browser session between the MS and a WAP gateway.” As is clear from the claims, the MS cannot be the WAP gateway, since it would not make sense for the MS to establish a browser session with itself. Therefore, the MS in Hsu et al. does not read on or teach a “WAP gateway” as claimed in the present application. In addition, Applicant can find no teaching or suggestion of any node operating as a WAP gateway that is “coupled to the IR Application Server to provide the plurality of Internet Audio contents to the MS to select from” within Hsu et al.

Furthermore, Applicant respectfully submits that the combination of Hsu et al. and Dusse does not teach or suggest “providing the selection of the plurality of Internet Audio contents made by the MS to the IR Application Server; receiving a call from the MS at the Internet Audio Gateway, the call including a mobile identity identifying the MS within a network; [and] using the mobile identity to retrieve the selection of the plurality of Internet Audio contents from the IR Application Server,” as recited in Claims 1, 9 and 16 of the present application.

In view of the foregoing discussion, Applicant respectfully submits that the combination of Hsu et al. and Dusse does not teach each and every element of independent Claims 1, 9 and 16 (and their dependent Claims) arranged as they are in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103(a) rejections of Claims 1-20.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Holly Rudnick at (214) 387-8097.

Respectfully submitted,
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Dated: November 5, 2008

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